

PITCAIRN, HENDERSON

DUCIE & OENO ISLANDS

No 3 of 2022

Iona Th



Enacted by the Governor of the Islands
of Pitcairn, Henderson, Ducie and Oeno

COVID-19 RESPONSE AMENDMENT ORDINANCE

DATE MADE: *22 November 2022*

DATE PUBLISHED: *23 November 2022*

Arrangement of sections

PART I – PRELIMINARY

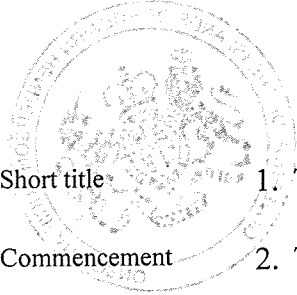
1. Short title
2. Commencement
3. Principal ordinance

PART II – AMENDMENTS TO PRINCIPAL ORDINANCE

4. Application to certain vessels
5. Vaccination requirement

COVID-19 RESPONSE AMENDMENT ORDINANCE 2022

An Ordinance to amend the measures applied to protect Pitcairn from the impacts of Covid-19



PART I – PRELIMINARY

- Short title 1. This Ordinance is the Covid-19 Response Amendment Ordinance 2022.
- Commencement 2. This Ordinance shall come into force the day after it is published.
- Principal Ordinance 3. This Ordinance amends the Covid-19 Response Ordinance 2022

PART II – AMENDMENTS TO PRINCIPAL ORDINANCE

- Application to certain vessels 4. In section 5, add the words “directly from New Zealand” after the word “traveling”.
- Vaccination requirement 5. In section 6, add the words “at any port in New Zealand” after the word “applies”.

COVID-19 RESPONSE AMENDMENT ORDINANCE 2022

EXPLANATORY NOTE AND LEGAL REPORT

This Ordinance amends the Covid-19 Response Ordinance, which was enacted to respond to the Covid-19 pandemic and provide protections for Pitcairn's population from the risks of infection with the virus, and from disruption of the primary supply service.

The situation has changed since the Ordinance was first introduced. The Pitcairn population is now very highly vaccinated, providing protection from serious illness and death, and different strains of the virus have developed that are able to pass despite vaccination. Pitcairn has also opened up to tourist vessels including cruise ships carrying both vaccinated and unvaccinated passengers.

As a result, medical advice has been received that the risk to Pitcairners from unvaccinated people arriving on Pitcairn is no longer significantly higher than the risk posed by vaccinated people. On that basis, the Governor and Pitcairn Council have decided to remove the general mandatory vaccination requirement for any person traveling on the Pitcairn Government Supply Vessel. It is intended to make related changes to the policy published in accordance with section 8 of this Ordinance, relating to vaccination requirements for those arriving at Pitcairn on other vessels.

Under this amendment, the mandatory requirement remains in one situation only: to any person boarding the vessel in New Zealand. This is to reduce the risk of serious illness developing in any unvaccinated passengers during the long sea journey between New Zealand and French Polynesia, during which there is no access to emergency medical services.

The exemption to that requirement for medical purposes remains, as does the ability to apply for a waiver in exceptional circumstances of a humanitarian nature.

CONSISTENCY WITH CONSTITUTION

This Ordinance removes a significant restriction on the ability of unvaccinated people (including those with the right of abode) to travel to Pitcairn. Unvaccinated people can now travel to Pitcairn on the government supply vessel provided they board that vessel in French Polynesia, and can also travel on any other vessel.

This lifting of the restriction ensures that the limitation imposed by the Covid-19 Response Ordinance remains a proportionate response to the risks posed by Covid-19, in light of updated medical advice.

I am therefore of the view that the amendment ensures that the Ordinance remains consistent with the Constitution.

Simon Mount KC
Attorney General
3 November 2022